

1949.

File No. O. Harijan Temple
Entry. /49

Legal Department



A BRANCH

Subject: Opinions under the Bombay
Harijan Temple Entry 1947

P. 4
E

File No. O. Harijan Temple
- Entry. /49

Gen. 194

387-A

CONTENTS. 0
Legal Department File No. Harijan Temple Entry/49.

Sr. No.	Compilation No.	Subject	Pages.
Opinions under the Bombay Harijan Temple Entry, 1947.			
1.	O.P. 1114 11/1/49.	Entry of Harijans inside Conventary.	1 - 2.
2.	O.P. 1114 29/6/49.	Practice for Govt. Officials (if required) to preside over the Ashadi and Kartik Shodasi Pujas of Shri Vitthoba at Pandharpur Whether any change is called for in view of changed circumstances created by this Act.	3 - 6.

DTR.

6/6.

50.

Entry of Harijans
inside sanctuary.

Dombay Harijan Temple
Entry Act, 1947.

The view taken by U.S., E & I.D., is correct on the assumption that the "authorized worshippers" mean only Hindus, and that Hindu other than Harijans are not allowed inside the sanctuary (Gurthagudi) for any purpose.

CA/.....11/4

Secretary of Local Affairs.

U.R. to E & I.D., No. 4114, dated the 14th April 1949.

Submitted for signature.

DTR,

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Confidential.

In G.O.B.D.No. 3793 dated 26th March 1917 Government were pleased to say that they agreed with the Commissioner, C.D., that the present practice which he describes in his memorandum No. V-89-1916 dated 11th January 1917 should be maintained. That practice, as the then Commissioner C.D., Mr. C.H. Seldon, was careful to emphasise in paragraph 11 of his memorandum, is that the actual pūjā cannot be done by a member of the Committee or by a Government officer, but only by the acknowledged priests- the dispute is not as to conducting the ceremonies but as to being regarded as the presiding authority. In other words it appears that the practice was for the District Deputy Collector if he is a Brahmin and when he is present on the occasion to preside over the performance of the pūjā, in his absence the Mamlatdar if a Brahmin, and in the absence of both these officials, for a number of the Panch Committee to preside.

2. It is not quite clear what is meant by being the presiding authority. In other words whether the officer actually takes a part in the pūjā or is merely an onlooker and supervisor with the main object of keeping peace and order, which incidentally was the origin of the practice. Departure from the practice is not merely a question affecting Harijans but involves the extension of the practice to all non-Brahmin communities. Since the usage is said to have been well established for a number of years, it is apparent that in accordance with that usage Government could not have insisted upon a non-Harijan, non-Brahmin Deputy Collector or Mamlatdar presiding over the pūjā. That is implicit in the order of preference. If that be so, it would be very anomalous that a Harijan Officer

should be given better rights than a non-Harijan non-Brahmin Officer. Moreover, unless the part which the officer plays is regarded as participation in actual worship the question of invoking section 3 of the Bombay Harijan Temple Entry Act, 1947, which is the only relevant statutory provision, does not arise.

Sd/.....

Remembrancer of Legal Affairs.

U.R. to E. & I.D. No. 996- Conf1. dated 29th June 1949.

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